IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Bail Appl..No. 7219 of 2006()

Crime No.34/2005 of Kunnamangalam Excise Range

PETITIONER/ACCUSED

RAJI, D/O.NALLAN,
CHERIYEDATH, KOZHIKODE TALUK.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: COMPLAINANT/STATE

---

1. EXCISE INSPECTOR,
EXCISE RANGE, KUNNAMANGALAM.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

==========

B.A.No.7219 of 2006

==========

Dated this the 7th day of December, 2006.

ORDER

Petitioner, a lady, who is the sole accused in Crime No.34 of 2005 of Kunnamangalam Excise Range for an offence punishable under Section 55(g) of the Abkari Act for allegedly having been found in possession of 30 liters of wash on 9.8.2005, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application,

3. Anticipatory bail cannot be granted in a case of this nature. Moreover, I am not satisfied that both the grounds enumerated under Section 41A(b)(ii) of the Abkari Act are present in the case so as to justify the grant of anticipatory bail to the petitioner. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and

disposed of preferably on the same day on which it is filed.

With this observation, this petition is dismissed.

V.Ramkumar,
Judge.

ess 7/12